IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

C.R. No. 4796 of 2006
Date of decision : 12.9.2006.

...

Parties Name

Achhpal

..... Petitioner

vs.

Harpal Singh and others

.....Respondents

Coram: Hon'ble Mr. Justice S.N. Aggarwal

Present: Sh. Kuldeep Tiwari, Advocate
for the petitioner.

...

S.N. Aggarwal, J. (Oral)

Submits that the petitioner is the defendant in the learned trial Court. His evidence has been closed by order by the learned trial Court vide impugned order dated 17.8.2006. Further submits that if one opportunity is granted to the petitioner on payment of costs, he would tender the costs and would also produce and close his evidence at his own responsibility. Further submits that the case is fixed in the learned trial Court on 14.9.2006.

If notice is granted to the contesting respondents, it will delay the disposal of this petition. It will also delay the disposal of the civil suit pending in the learned trial Court since 2003. A perusal of

the impugned order reveals that the petitioner has availed a number of opportunities. But in the interest of justice, the petitioner should be granted an opportunity to produce and close his evidence at his own responsibility, while the opposite side can be compensated by the payment of costs.

Accordingly, this petition is accepted subject to the payment of costs of Rs.5,000/-. The petitioner will tender the costs in the learned trial Court on 14.9.2006. On that date, the learned trial Court shall grant one opportunity to the petitioner for producing and closing his evidence at his own responsibility. If the petitioner fails either to tender the costs for onward payment to the contesting respondents or fails to produce and close his evidence, as stipulated above, then the petitioner would not be entitled to any other adjournment.

Disposed of accordingly.

Copy dasti, on payment of usual charges.

(S.N.Aggarwal)
Judge

12.9.2006.
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